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ATTORNEYS FOR
NORTH TEXAS CAPITAL PARTNERS, LP

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CASE NO: 23-30771-SGJ-7
	§	
CARL GERARD DORVIL,	§	(Chapter 7)
	§	
DEBTOR.	§	

	§	
NORTH TEXAS CAPITAL PARTNERS,	§	
LP.,	§	
	§	
Plaintiff,	§	
v.	§	ADV. NO: 23-03053-SGJ
	§	
CARL DORVIL,	§	
	§	
Defendant.	§	

**PLAINTIFF'S DESIGNATION OF RECORD ON APPEAL
AND ISSUES PRESENTED**

Pursuant to Federal Rule of Bankruptcy Procedure § 8009, Plaintiff, as Appellant, North Texas Capital Partners, LP ("NTCP") files this Designation of Record on Appeal and Issues Presented, showing the following:

**I.
DESIGNATION OF RECORD**

1.1 Plaintiff/Appellant designates the following documents contained among the filings

of the Bankruptcy Court's record in Adversary Proceeding No: 23-03053-sgj, as follows:

1. Adversary Doc. No: 24 - Plaintiff's Amended Original Complaint;
2. Adversary Doc. No: 28 - Motion for Summary Judgment filed by Defendant, Carl Gerard Dorvil;
3. Adversary Doc. No: 29 - Brief in support of Motion for Summary Judgment filed by Defendant Carl Gerard Dorvil;
4. Adversary Doc. No: 39 - Plaintiff, North Texas Capital Partners Response opposed to Motion for summary judgment filed by Defendant Carl Gerard Dorvil;
5. Adversary Doc. No: 40 - Objection to Defendants Summary Judgment Evidence filed by Plaintiff North Texas Capital Partners, LP.;
6. Adversary Doc. No: 44 - Objection to Summary Judgment Evidence and Motion to Strike Filed by Defendant Carl Gerard Dorvil;
7. Adversary Doc. No: 45 - Response to Defendant, Carl Gerard Dorvil's Motion to Strike filed by Plaintiff, North Texas Capital Partners, LP;
8. Adversary Doc. No: 46 - Objection to Summary Judgment Evidence and Motion to Strike filed by Plaintiff North Texas Capital Partners, LP;
9. Adversary Doc. No: 48 - Memorandum of opinion on Motion for summary judgment filed by Defendant Carl Gerard Dorvil, and Motion to strike document filed by Defendant Carl Gerard Dorvil;
10. Adversary Doc. No: 49 - Order granting Defendant, Carl Gerard Dorvil's Motion to Strike and granting Motion for Summary Judgment;
11. Adversary Doc. No: 52 - Judgment.
12. Adversary Doc. No: 61- Transcript of the proceedings held on August 6, 2024

II.
STATEMENT OF ISSUES PRESENTED

2.1 Plaintiff/Appellant provides the following issues to be presented in this appeal of the Bankruptcy Court's Judgment in Adversary Proceeding No: 23-03053-sgj, as follows:

- a) The Court erred in granting Defendant's Motion for Summary Judgment in the following respects:
 - i) The Court erroneously applied Fed. R. Civ. P. 56(c)(1)(A) in admitting Defendant's summary judgment evidence over Plaintiff's objections;
 - ii) By ruling that the fraudulent representations relied upon by Plaintiff must necessarily have been made directly by the Defendant himself, and could not have been made by Defendant's attorney on his behalf;
 - iii) By striking the entire affidavit of Carlos Cortez when Defendant's objection was to only a single sentence contained within it;
 - iv) Plaintiff raised a material issue of fact regarding its cause of action for fraud.
- b) The Court erred in finding sanctions and attorneys' fees were appropriate where the record is devoid of evidence supporting a finding of bad faith by Plaintiff.
- c) The Court's Judgment is inconsistent with the Court's opinion in that the Court's opinion reserved jurisdiction for future findings of 'damages' while the Judgement reserved jurisdiction for future findings of 'sanctions and attorneys' fees.'

III.

3.1 Plaintiff/Appellant reserves the right to supplement its Designation of Record and Issues presented as the need may arise.

IV.

WHEREFORE, Plaintiff/Appellant, North Texas Capital Partners, LP prays this Designation of Record and Statement of Issues be received and filed and for such other and further relief to which Plaintiff/Appellant may be justly entitled.

DATED: October 7, 2024.

Respectfully submitted,

LAW OFFICES OF
ROBERT W. BUCHHOLZ, P.C.

/s/ Robert W. Buchholz

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing Notice of Appeal was served by ECF on those parties who have appeared in this case on the 7th day of October, 2024.

/s/ Robert W. Buchholz

Robert W. Buchholz